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**HOUSE BILL NO. 2868**

Offered January 21, 2005

*A BILL to amend and reenact § 22.1-79.3 of the Code of Virginia, relating to policies regarding access to public schools.*

Patrons—Weatherholtz, Abbitt, Athey, Black, Byron, Carrico, Cline, Cole, Cosgrove, Cox, Frederick, Gear, Griffith, Hogan, Howell, A.T., Janis, Kilgore, Landes, Louderback, Marshall, R.G., May, McDonnell, Morgan, Nixon, O'Bannon, Oder, Putney, Saxman, Scott, E.T., Sherwood, Stump, Tata, Wardrup, Ware, R.L. and Wright; Senators: Hanger and Obenshain

Referred to Committee on Education

**Be it enacted by the General Assembly of Virginia:****1. That § 22.1-79.3 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-79.3. Policies regarding certain activities.

A. No later than January 1, 2001, local school boards shall develop and implement policies to ensure that public school students are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States.

This section shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.

B. Local school boards shall develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

C. No local school board providing access and opportunity to use school facilities or to distribute literature may deny equal access or fair opportunity to use such school facilities or to distribute literature, or otherwise discriminate against the Boy Scouts of America or the Girl Scouts of the USA.

Nothing in this subsection shall be construed to require any school or school division to sponsor the Boy Scouts of America or the Girl Scouts of the USA, or to exempt any such groups from school board policies governing access to and use of school facilities and distribution of literature.

*D. In the exercise of their authority to protect the well-being of students as recognized by federal law pursuant to 20 U.S.C. § 4071 (f), local school boards providing equal access and fair opportunity to use school facilities or to distribute literature shall not allow such access or opportunity to use such school facilities or to distribute literature to any club or other group that is focused on supporting, assisting, or justifying any lifestyle involving sexual behavior.*

INTRODUCED

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